

To the Hon. Geo. T. Jester, President of the Senate, and the Hon. J. S. Sherrill, Speaker of the House.

We, your committees, appointed by the Senate and the House, to canvass the votes cast for Governor and Lieutenant-Governor of this State, at the last regular election held in this State, beg leave to report that the following is the result of our canvass:

There was cast for the office of Governor—

For Joseph D. Sayers, 291,548 votes.

For Barnett Gibbs, 114,955 votes.

For R. P. Bailey, 2437 votes.

For G. H. Royal, 552 votes.

Scattering, 62 votes.

Total votes cast for the office of Governor, 409,544 votes.

There was cast for the office of Lieutenant-Governor, votes as follows:

For J. N. Browning, 290,792 votes.

For E. W. Kirkpatrick, 107,722 votes.

For D. H. Hancock, 2439 votes.

For Edwin Bellinger, 592 votes.

Scattering, 302 votes.

Total votes cast for the office of Lieutenant-Governor, 401,847 votes.

Committee on the part of the Senate:

C. O. JAMES,

D. W. ODELL,

G. C. GREER.

Committee on the part of the House:

JAS. GREENWOOD,

CECIL SMITH,

J. R. FROST.

Whereupon, Hon. J. S. Sherrill, acting in his constitutional capacity as Speaker of the House of Representatives of the Twenty-sixth Legislature of Texas, announced as follows:

"Joseph D. Sayers having received the highest number of votes cast, I, by the authority vested in me by the Constitution and laws of the State of Texas, declare him legally and constitutionally elected Governor of Texas for the ensuing term of two years."

"James N. Browning having received the highest number of votes cast, I, by the authority vested in me by the Constitution and laws of the State of Texas, declare him legally and constitutionally elected Lieutenant-Governor of Texas for the ensuing term of two years."

The Speaker then announced that the business of the joint session was concluded, and on motion of Senator Odell the Senate retired to its chamber.

IN SENATE.

On motion of Senator Terrell, the Senate adjourned until tomorrow at 10 a. m.

4—Senate

SIXTH DAY.

Senate Chamber,

Austin, Tex., Tuesday, Jan. 17, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Goss.	Koss.
Greer.	Sebastian.
Grinnan.	Stafford.
James.	Stone.
Johnson.	Terrell.
Kerr.	Turney.
Lewis.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Gough. Linn.
Hanger.

Absent—Excused.

Patterson.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Miler, the same was dispensed with.

EXCUSED.

On motion of Senator Sebastian, Senator Hanger was excused indefinitely on account of sickness.

On motion of Senator Turney, Senator Linn was excused indefinitely on account of sickness.

On motion of Senator Atlee, Senator Neal was excused for non-attendance on yesterday on account of important business.

APPOINTMENTS.

Lieutenant-Governor Browning appointed Hal Bishop of Fayette county, page instead of Earnest Kerr of Fayette county, resigned.

PETITIONS AND MEMORIALS.

By Senator Turney:

Petition from citizens of Presidio county asking for the passage of an act to prevent the unlawful transfer of special funds commissioners' courts.

Read and referred to Committee on Finance.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, Jan. 16, 1899.

Hon. Geo. T. Jester, President of the Senate.

SIR: Your Judiciary Committee No. 1, to whom was referred Senate Concurrent Resolution No. 2, Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that the following substitute do pass.

ATLEE, Chairman.

Substitute Senate Concurrent Resolution No. 2:

Whereas, The pending litigation in the Federal Courts in Texas against the Railway Commission of this State, has had, and is having, the effect of seriously embarrassing said Commission in its labors, and has proven a great detriment and injury to the people and business interests of the State, and

Whereas, Under the existing Federal laws there can be no appeal from an interlocutory order such as the granting or refusing of injunction directly to the Supreme Court of the United States or sufficiently providing that litigation relating to the powers or action of railway commissions shall have precedence over other litigation before the Circuit Courts of Appeal of the United States or before the Supreme Court of the United States, therefore be it

Resolved by the Senate, the House concurring,

First—That our Senators and members in Congress from this State be and they are hereby requested to have passed as speedily as possible the necessary laws to authorize such appeal to the Supreme Court of the United States from all such interlocutory orders as are covered by the Preamble hereto, or which may be necessary to the speedy determination of all restraining or mandatory orders or the refusal to grant such by the Federal Courts in such cases.

Second—Be it further resolved, that our Senators and members in Congress be requested to have passed such laws as may be necessary to require precedence to be given, over all other business before the United States Circuit Courts of Appeal and the Supreme Court of the United States, to all suits, orders or decrees in which railway commissions are involved, or to which they are parties, or that in any way affect their powers, or rates that may have been fixed by them.

On motion of Senator Potter, the committee report was adopted.

The resolution as substituted was then adopted.

HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, Jan. 17, 1899.

Hon. Geo. T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following Senate Concurrent Resolution No. 3:

Providing for a joint session of both Houses of the Twenty-sixth Legislature in the Hall of the House of Representatives, on Wednesday, January 18, for the purpose of receiving gavels to be presented by the Daughters of the Republic of Texas.

Respectfully,

LEE J. ROUNTREE,

Chief Clerk House of Representatives.

BILLS AND RESOLUTIONS.

By Senator Lewis:

Senate bill No. 33, A bill to be entitled "An Act to amend Articles 3103, 3104 and 3105 of the Revised Civil Statutes of the State of Texas, relating to the conventional rate of interest, and reducing the same to eight per cent. per annum."

Read first time, and referred to Committee on Finance.

(Senator Terrell in the chair.)

By Senator Lewis:

Senate bill No. 34, A bill to be entitled "An Act to require city and county treasurers to report condition of interest and sinking fund to the State Comptroller; to prohibit them from diverting said funds and providing penalties."

Read first time, and referred to Committee on Finance.

By Senator Lewis:

Senate bill No. 35, A bill to be entitled "An Act requiring the county commissioners court of any county in the State to submit propositions for the issuance of bonds to a vote of the qualified taxpayers of such county."

Read first time, and referred to Committee on Finance.

By Senator Sebastian:

Senate bill No. 36, A bill to be entitled "An Act to amend Article 2366, Title LII, Chapter 4, of the Revised Civil Statutes of Texas, fixing the time and place of making sales of real estate under execution, order of sale, or venditioni exponas, and to prescribe the mode and manner of advertising such sales."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Morriss:

Senate bill No. 37, A bill to be entitled "An Act to amend Article 2460, Revised Civil Statutes of Texas, by adding Articles 2460a, 2460b, 2460c, and 2460d, relating to mileage charged by sheriffs and constables in civil cases."

Read first time, and referred to Judiciary Committee No. 2.

By Senator James:

Senate bill No. 38, A bill to be entitled "An Act to punish all officers of this State who are charged by law with the enforcement of the criminal laws of Texas, who agree to accept or receive any plea of guilty from any person charged with crime, or any person who is, or may be engaged in any occupation, calling, profession, or business in violation of the criminal laws of Texas, or who agree to receive or accept any money from any person charged with crime, or who is, or may be engaged in any occupation, calling, profession or business in violation of the criminal laws of Texas, in consideration that such person so charged with crime or engaged in any profession, calling, occupation or business, shall be permitted to commit other offenses against the laws of this State, or shall be permitted for any period of time to engage in any occupation, calling, profession or business in violation of the criminal laws of Texas."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Wayland:

Senate bill No. 39, A bill to be entitled "An Act to provide for the payment of tax assessors for taking agricultural statistics, in the several counties, where they were taken, for the year 1895, and making appropriation therefor."

Read first time, and referred to Committee on Finance.

By Senator Wayland:

Senate bill No. 40, A bill to be entitled "An Act to amend that portion of Chapter 1, Title IX, of the Revised Civil Statutes of the State of Texas that relates to judicial proceedings in cases of lunacy."

Read first time, and referred to Committee on Asylums.

By Senator Dibrell:

Senate bill No. 41, A bill to be entitled "An Act making appropriation for deficiencies in the appropriations heretofore made for payment of expenses in support of the State government for the years beginning March 1, 1897, and ending February 28, 1899, registered in the Comptroller's office, and for other deficiencies."

Read first time, and referred to Committee on Finance.

Call concluded.

There being no pending business, on motion of Senator Dibrell, the Senate took a recess till 11:30 a. m.

AFTER RECESS.

EXCUSED.

On motion of Senator Turney, Senator Lewis was excused for non-attendance on yesterday.

(Senator Gough in the chair.)

RESOLUTION.

By Senator Goss:

Whereas, The Hon. George T. Jester's four years service as Lieutenant-Governor of the State of Texas closes at noon today, and

Whereas, He has presided with dignity, ability and impartiality as President of the Senate; therefore be it

Resolved, That the thanks of the Senate are hereby tendered him for his uniform fairness and courtesy as such presiding officer, and that in his retirement we wish for him the fullest measure of success and happiness through life.

Unanimously adopted by a rising vote.

On motion of Senator Atlee an engrossed copy of the above resolution was ordered made and presented to retiring Lieutenant-Governor Jester.

(President pro tem Stafford in the chair.)

The Chair announced that the hour of 12 m. having arrived, the Senate would proceed to the Hall of the House of Representatives for the purpose hereinbefore mentioned.

IN JOINT SESSION.

At 12 o'clock, m., the Honorable Senate of Texas was announced at the bar of the House.

Escorted by Sergeant-at-Arms C. H. Allen of the Senate, the Senators advanced into the Hall and were seated along the aisle in chairs prepared for them.

Hon. R. N. Stafford, President Pro Tem., was invited to a seat on the right of the Speaker.

The President Pro Tem. directed the Secretary to call the roll of the Senate, and the following Senators answered to their names:

Senators Atlee, Davidson, Dibrell, Goss, Gough, Greer, Grinnan, James, Johnson, Kerr, Lewis, Lloyd, McGee, Miller, Morriss, Neal, Odell, Potter, Ross,

Sebastian, Stafford, Stone, Turney, Wayland, Yantis, Yett.

(Senators Miller and Terrell absent on Joint Inaugural Committee.)

The President announced a quorum present.

The Speaker directed the Clerk to call the roll of the House, and the following members answered to their names:

Messrs. Allen of Colorado, Allen of Hopkins, Barbee, Barrett, Bean, Beaty, Bennett, Blount, Bolin, Bridgers, Browne, Caldwell, Calvin, Chambers, Childers, Childs, Clements, Cole, Colins, Conoly, Cross, Culp, Dean, Decker, Derden, Dies, Dorroh, Eckols, Ellis, Evans of Fannin, Evans of Grayson, Frost, Garrett, Gill, Goodlett, Goodman, Gordon, Graham, Greenwood, Grogan, Hamilton, Henderson of Brazos, Henderson of Lamar, Howard, Hurley, Jones, Kennedy, Kittrell, Lake, Lane, Lillard, Livsey, Loyd, Looney, Marsh, Maxwell, McAnally, McClellan, McDowell, McFarland, McKamy, McKellar, Meitzen, Monroe, Morris, Morrow, Murphy, Murray, Neff, Nolan, Oliver, Palmer, Parish, Peery, Pfeuffer, Phillips of Lampasas, Phillips of Camp, Pitts, Poole, Powell, Prince, Ratcliff, Robertson of Harrison, Robertson of Bell, Rochelle, Russell, Sansom, Savage, Scurry, Shannon, Shelburne, Shropshire, Smith of Grayson, Smith of Collin, Strippling, Tarkington, Tarver, Tate, Teagle, Terrell, Thomas of Wise, Thomas of Fannin, Tompkins, Tucker, Vaughan, Walton, Wells, Wheless, Willacy, Willrodt, Wooten, Wright.

(Mr. Schluter, Mr. Mercer and Mr. Staples absent on Joint Inaugural Committee.)

The Speaker announced a quorum present.

The Speaker then announced that the two Houses were in joint session for the purpose of inaugurating the Governor and Lieutenant-Governor-elect.

Rev. Dr. W. C. Denson, Chaplain of the Senate, then offered prayer, as follows:

Our Father which art in Heaven, hallowed be Thy name. Accept our thanksgiving and praise for Thy gracious condescension toward the children of men in the establishment of Thy kingdom on earth. We thank Thee for the reach and sweep and power of Thy word in its revelations of Thyself, of Thy righteous law, and of the glorious hopes and triumphs of those who come to Thee through the Christ of the Gospel. For our National and State governments, whose foundations are laid in Thy word, and whose dependence for perpetuation, peace, and prosperity is in Thy name, we magnify and worship Thee. We invoke Thy blessings and good providences upon the peo-

ple of this nation and upon all who are in authority over them. In our own State prosperity and happiness prevail; we have been blessed with a wise and just administration of the affairs of the State, issuing in the phenomenal triumph of right over wrong, of morality over immorality, and in the upbuilding and reassurance of the people, in contentment and hopefulness; for all of which we give Thee our heartfelt thanks and gratitude. We pray that Thy blessings and benedictions may follow those who have served the people through the administration now closing. May they into whose hands the affairs of government are now being transmitted be wise and just and humane to that degree attainable only by Divine guidance and grace. We ask for them the rich supply of all their need, the protection of their healths and lives, and their enlargement in all that is ennobling and uplifting. May the peace of God that passeth all understanding fill their hearts and minds; and may merciful and protective providence be over the people of this State. And to the name of the Father, Son and Holy Spirit be present and everlasting praises. Amen!

The Speaker directed the Clerk to read from the House Journal of January 16, the following report of the joint committee to arrange for counting the vote for Governor and Lieutenant-Governor, and to arrange for the inaugural ceremonies of the same:

Hon. J. S. Sherrill, Speaker of the House or Representatives, and Hon. Geo. T. Jester, President of the Senate.

SIRS: Your Joint Committee appointed to make arrangements to count the vote, and to arrange for the inauguration of the Governor and Lieutenant-Governor, beg leave to recommend that the House and Senate meet in joint session in the Hall of the House of Representatives on Monday, the 16th day of January, A. D. 1899, at 10:30 o'clock a. m., for the purpose of counting said vote, and that the House and Senate will sit in Joint Session in the Hall of the House of Representatives on Tuesday, the 17th inst., at 12 o'clock, noon, when the Joint Committee will escort the Governor and Lieutenant-Governor-elect to the Speaker's stand, when the oath of office will be administered to them by the Chief Justice of the Supreme Court.

On the part of the House,
BAILEY,
SCHLUTER,
STAPLES.

On the part of the Senate,
MILLER,
GRINNAN,
TERRELL.

The Joint Committee on Inaugural Ceremonies (Mr. Bailey absent, excused on account of sickness, and Mr. Mercer acting in his place) appeared at the bar of the House, at 12 o'clock m., and were duly announced, accompanied by Governor-elect Joseph D. Sayers, Governor Charles A. Culberson, Lieutenant-Governor-elect J. N. Browning, Lieutenant-Governor George T. Jester, Chief Justice R. R. Gaines, Associate Justice T. J. Brown, Associate Justice L. G. Denman, Clerk of the Supreme Court Charles S. Morse, bearing the Great Seal and Bible; Attorney-General T. S. Smith, Land Commissioner George W. Finger, Railroad Commissioners John H. Reagan, L. J. Storey and Allison Mayfield; Ex-Governor James S. Hogg and others.

At two raps of the Speaker's gavel the Joint Session rose, as the Committee on Inaugural Ceremonies advanced into the Hall, and those accompanying them were invited to seats on the rostrum.

The Speaker then introduced to the Representatives, Senators and the assemblage, Governor Charles A. Culberson, who introducing Governor-elect Joseph D. Sayers, said:

"Senators, Representatives, Ladies and Gentlemen:

"The part assigned to me on this impressive occasion, introducing the Governor-elect of this State, is both a pleasure and compliment. A resident of Texas, he is thoroughly conversant with her traditions and history, is deeply concerned for her prosperity and glory. In all the walks of life he has been an exemplary citizen, and integrity and honor have ever found lodgment in his heart. In the martial and heroic age of the South he perilled his life in her cause, and none wore the gray more nobly. Since that great conflict he has won deserved distinction in the public service and stands now in the front rank among those men whom Texas has given to National affairs.

"In recognition of this service, a great party nominated him for this high office, and standing upon the noblest platform the Democracy ever proclaimed, and in agreement with recent measures of reform in the State, the people have chosen him for the highest office in their gift by a decisive majority. Admirably equipped for the important duties, surrounded by an able corps of officers and with a Legislature that in character and ability will take rank with any that has preceded it, there are strong reasons for the belief and hope in which all patriotic citizens will unite, that his administration will respond to the public needs and contribute to the prosperity of our people.

"I beg now to announce that the oath of office will be administered by Associate Justice Brown of the Supreme Court of the State."

The Speaker directed Associate Justice T. J. Brown to administer the oath of office to Governor-elect Joseph D. Sayers, which was done, Associate Justice Brown holding the Holy Bible in his right hand, and the Governor-elect touching the same with his, and at the conclusion of which the Governor-elect kissed the Book.

The Governor-elect then affixed his signature to the official oath, Clerk Charles S. Morse, of the Supreme Court, attesting the same with the Great Seal of the commonwealth of Texas.

Ex-Governor Charles A. Culberson then introduced to the Joint Session and the vast assemblage, Joseph D. Sayers, as Governor, who said:

My Fellow Citizens:

He who undertakes the chief magistracy of this great Commonwealth will have no easy task before him, and without the earnest and hearty co-operation of his fellow citizens he cannot reasonably anticipate a satisfactory and successful administration of the public affairs. Therefore, at the very threshold of the duties imposed upon me by the oath, which I have just taken, I invoke the guidance of Almighty God and the aid of all my countrymen to enable me to so discharge every obligation as to best promote the prosperity of the State and the happiness of the people.

On an occasion like the present it will not be deemed out of place, I take it, to devote a few moments to the consideration of the purpose of government and its method of administration. Although the subject be old and indeed familiar, its importance makes it always worthy a reference before any audience. It will be conceded by all that a just and well constituted government will have no object in view other than to serve and benefit the entire citizenship, and that it should be conducted with wisdom, firmness, fidelity and without discrimination. No class or interest should be favored with special privileges, and to every one should be insured certain and complete protection to life, liberty and property. These are elementary propositions. They are recognized as indisputably true, and are so broad and comprehensive in meaning as to cover almost the entire domain within which the State may safely exercise authority. In their reasonable interpretation and application may be found to reside almost every necessary governmental power.

Faithful, honest and efficient adminis-

tration is no less needful than wise and just legislation, and failure in either is always attended with unhappy consequences. Whatever the law—be it good or bad, popular or unpopular—it is the bounden duty of those to whom its execution is entrusted to enforce it, and no influence, however potent, should be heard to stay its steady and impartial operation. So long as it is on the statute book it is an authoritative expression of the popular will through the appropriate channel, and it should be respected and obeyed. Every infraction is an open defiance to the sovereignty of the people, and, if not followed by adequate penalty, begets dangerous distrust in the ability of the government to answer the purpose for which it was ordained. Disregard of the law through neglect of the executive branch of the public service to put it and to keep it in constant force, is as reprehensible as the exercise of power without proper warrant of authority. No deadlier blow can be given to free institutions than weak, loose and irregular administration, and such a policy, if policy it may be termed, cannot be too strongly condemned. The safety of society demands that the enforcement of the law should be uniform, steady and impartial, and that none should be so strong as to be beyond its requirements, and none so weak as to be beneath its protection.

In the earlier days of the Republic the sphere of governmental action was limited, and its appropriate functions were well defined. Individual freedom was then regarded as the very cornerstone upon which religious, civil and political liberty rested, and to which the progress of the race towards a higher and better civilization is chiefly indebted. The contrast between the legislation that was had prior to the Civil war and that enacted during the past three decades is broad and deep, and the most careless observer cannot fail to note this very obvious distinction between the two eras.

Formerly the greatest latitude, consistent with the welfare of society, was allowed the citizen, and he was taught to rely upon himself in the management of his personal affairs—thinking for himself and acting for himself. Nowadays it has become somewhat, if not largely, different, and the power of legislation is often invoked to suppress evils that were once thought to be beyond governmental reach, and to be corrected only through the operation of laws which are not artificial and which do not depend upon government for their efficacy.

This wide and radical departure from the long and well established policy of

non-interference in such matters, except when the public good clearly and emphatically demanded, is in some measure due to and justified by the changed conditions in our social, commercial and industrial life, and the introduction of agencies that were previously unknown; but not altogether so. It has proceeded, to a certain extent, from the tendency of the popular mind to over-estimate the power and enlarge the duty of the State, and to under-rate the ability of the citizen to successfully cope with the difficulties that environ him.

The effect of this tendency has been to cause the individual to lose confidence in himself, and to rely too much upon the government. But in the protection of property it cannot be well claimed that the duty of government is limited only to cases of open violence by the mob, or to the willful wrongdoing of the single trespasser. Its obligation in this respect extends much further, and may fairly include unjust and discriminating legislation, uncertain and arbitrary administration, and artificial combinations whose object it is to weaken or destroy other enterprises and industries, the healthy existence and successful conduct of which is essential to society. Nor can it be doubted that it is the province and duty of the State to interfere, if necessary, and prevent an improper exercise by associations of the powers and privileges that may be granted to them by law, and which may not be incidental to the general and ordinary avocations of life.

Such grants of power and privilege are always intended to be instruments of benefit and not of injury to the people, and when they are diverted from their proper purpose the State should not avoid the responsibility of protecting the citizen.

We cannot too highly estimate the necessity of a full and complete discharge by the government at all times and under all circumstances of its obligation to society in the matter of protection to life, liberty and property, as upon it depends the prosperity, peace and happiness of the people. To that protection every person and every character of property within our borders is equally entitled. Human life is sacred, made so by God and man, and should never be taken except as expressly permitted by law, and there can be no justification outside of the law. However severe the provocation, the welfare of society demands that the injured party should rest his case with the law and abide its judgment; and those entrusted with its enforcement are, therefore, the

more strongly bound to see that the offender is brought to speedy and impartial trial, and that the penalty denounced by the law be inflicted.

When it shall be well understood by all that the criminal, whoever he may be, will be quickly and adequately punished as prescribed by law, then not only will the law be permitted to assert its right of cognizance of offenses and to take its regular and orderly course, however aggravated the circumstances, but crime also will become less frequent throughout the land. It is the uncertainty and delay that too often characterizes judicial investigation as much as the nature of the crime itself that drives the citizen to a violation of the law by visiting, with his own hands, summary punishment upon the offender—forgetting in his indignation and resentment that in so doing he weakens the authority of the law, and renders his own life less secure.

True it is that, in a certain sense, the citizen is sovereign, yet nevertheless he is subject to the law of his own creation, and he cannot break it without impeaching his own sovereignty. And more than that, in so doing he establishes a precedent, which if too often followed, will unquestionably destroy the peace and repose upon which the very life of society depends, and substitute anarchy or despotism for a government of liberty, regulated by law.

The protection of liberty—personal, religious, civil and political—comes next in order of importance, and this includes the employment of all the necessary and proper means to insure it. To pursue, without illegal interruption, such avocations as are not forbidden by law; to worship God according to the dictates of his own conscience; to stand before the law the equal of any other man, and to be judged as any other man; and to vote, under the restrictions imposed for the good of society upon the whole people, as he may deem best for his country, unawed by power and uncorrupted by bribe, and to have his ballot fairly counted, these are rights to whose protection government stands most strongly pledged; and any government that, through the imperfection of its laws or the weakness of its administration, fails to effectively maintain to the people this pledge, in all its fullness, ought to be abolished.

Scarcely, if at all, less necessary to the very existence of the social fabric than the protection of life and liberty is that of property. The fruits of industry, skill, economy and enterprise should be held by no uncertain tenure. They should be safe not only against those acts which

the law declares to be felonies and misdemeanors, but also against harsh and improvident legislation. The burdens of government should be fairly and equitably distributed and imposed, and every character of property should be compelled to contribute to the public treasury according to its value. And government should go further and see to it that such property as may be favored by the law with peculiar privileges and unusual powers shall not be used to injure other pursuits that are necessary to the well being of the Commonwealth.

All legislation that directly or indirectly affects property, either as to value or as to title, should be conservative and just, and the rights of ownership, as well as the welfare of society, should be observed. To acquire and hold property lies at the very base of civilization and cannot be impaired without danger to society.

Even and exact justice, as well to the property as to the person of the citizen, should be the ruling motive and guiding principle of action in every branch of the public service, and the more strongly and the more uniformly it is maintained the more prosperous will be the State and the happier will be the people. And a similar policy of even and exact justice should be adopted towards those who may invest but not reside with us, putting and keeping them as to their investments on an equal footing with ourselves, and dealing with them as with ourselves. By so doing, confidence, both at home and abroad, will become firmly established and the best of other communities will seek homes amongst us, attracted by our genial climate, rich soil, exhaustless resources and splendid citizenship, and bringing with them wealth, thrift, energy and enterprise.

As to the laws applying to and affecting these great purposes of government, no just complaint can be urged against our State. The statute book of Texas will compare most favorably with that of the foremost American commonwealths, and as to the enforcement of the law, a comparison will be equally as creditable to ourselves. But there is room for improvement, and from the executive department, in all its branches and subdivisions, the very best service possible should be exacted, and with less the people should not be content. There should be no condonement of inefficiency in the discharge of official duty. It is not enough that every other qualification should be possessed. The highest standard of excellence is needed for the delicate and important work of governmental administration, and, if uniformly and

impartially exacted, there may be found in the great body of the citizenship those who can and will fully meet every requirement.

Having sought and accepted official responsibility, no one should be permitted to regard himself other than a public servant, and office as a public trust—to be held and administered not for the especial advantage of himself and his kin, but for the benefit of the people and of the people only. The doctrine that office is property, and endowed with property rights, may be good in law, but it is not healthful to the public service, and has sometimes led to great abuse. Nepotism is not admissible in a properly constituted government.

It should be known everywhere that in no other State is life, liberty and property so secure; in no other State are ily and so sufficiently punished; and in offenses against them so surely, so speedily no other State is such complete justice between all men and as to all kinds of property maintained as within the great Commonwealth of Texas.

Under our political system this is the peculiar and exclusive prerogative of the State, and it therefore becomes its imperative duty, which it cannot honorably or safely avoid, to fully and successfully discharge the responsibility thus imposed, and I doubt not that Texas will continue faithful to this important trust. In this way will she vindicate the wisdom and confidence of our fathers in their provision for home rule and local self-government, and will maintain her place among the best administered of American commonwealths.

The character of our people for peace, good order, intelligence, justice and morality, already high, will keep apace with their advancement in material prosperity, and in all lands will the fame of our State abide, each year adding lustre to her history.

An empire in extent, resources almost limitless, situation altogether favorable, and an open sea around her southern border, Texas may well aspire to a greatness and grandeur that will have no parallel in the history and experience of her sister States.

It will not, I trust, be regarded as inappropriate to this hour to invite your attention to other matters, although not directly connected with the public service.

However essential a wise and just government may be, and however efficient its administration in all respects, it must, nevertheless, be supplemented in a large degree by individual effort and enterprise in other and different directions,

and having other and different ends in view. Government cannot overstep certain limits without harm to society. Its orbit, wherein it may move with wholesome effect, is restricted, and its sphere of usefulness has boundaries that are well marked. It cannot till the field, nor operate the factory, nor conduct commerce, nor follow the professions. These instrumentalities, with all their subdivisions, belong to the citizen, and should be under his exclusive control, and upon him must devolve the responsibility of their proper use.

All material development is effected upon three great lines—agriculture, commerce and manufactures. The time has been in the history of our race when a country could be prosperous, in which any of these great industries should be largely dominant, and furnish employment to the great body of its people. But not so in the present age. Conditions now are vastly different. The world is not what it was a century ago. Steam, electricity, invention, and a more extensive and accurate insight into the workings and secrets of nature have wrought marvelous changes, and the proposition has become unquestionably true that the grand divisions of labor, agriculture, commerce and manufactures, should exist and flourish within the same borders in order to insure entire independence to any people.

In this day it may be safely asserted to be an impossibility for a people to live and attain permanent prosperity by agriculture alone, or by commerce alone, or by manufactures alone. These great industries should not be envious rivals. They attain their highest development when in close proximity, and when their relations are cordial and friendly. They are mutually helpful, and when a sense of justice, or even of enlightened selfishness prevails, there will be no effort to enrich or strengthen the one to the detriment of the others. Of the full profit, when equity is recognized, the three will share in just proportion, and in so doing all will live and prosper. Depress agriculture so that it will cease to be remunerative, what then? Make manufactures unprofitable, because of the unfriendly attitude of agriculture and commerce, what will be the result? Let commerce be put under the ban, who so blind as not to foresee the end?

I submit these observations as applicable to present conditions in our State, and in the hope that we all, however engaged, may speedily awaken to a realization of what should be done in order to bring about a complete and harmonious union of these great factors in the pro-

duction and distribution of material wealth, so that they may find here their best and most profitable development.

With us, agriculture—although its output is enormously large, with the certainty of becoming very much larger—has almost ceased to be remunerative beyond the extent of our own consumption. Of manufactures there are but few as compared with the quantity of raw material that is being produced, and of the vastly greater quantity that can be easily and speedily realized; while transportation—one of the instrumentalities of commerce—is exacting full compensation, notwithstanding the lack of manufactures and the very low price and greatly enlarged volume of agricultural products.

This is unfortunate, and if conditions be not soon changed for the better, they will result disastrously to every interest. I trust that wiser counsels will prevail and that a proper regard for the general welfare will characterize the future action of those upon whom the responsibility rests.

Should present conditions, however, be insisted upon, then it will become the duty of the State to exert whatever power it may possess to compel such associations as have procured from the government exceptional privileges, to deal fairly and equitably with all other interests. The exercise of such power, while firm and impartial, will, I am quite sure, be conservative, and attended with the proper consideration of every just right. The purpose will be to restrain, not to injure; to build up, not to pull down. The prosperity of every factor in our material development will be regarded as essential to the well being of the entire system. At this time there can be no policy of greater importance to the people than that which will lead to the establishment and operation of industrial enterprises of all kinds in our State. Their necessity is urgent, and it must be met if we would be prosperous.

Our cotton crop for the season just closed aggregated near four millions of bales, with a reasonable certainty of a steady increase year by year. Its price, however, is distressingly low, with no indication of improvement, unless larger and better markets be secured. Added to this embarrassment is the further necessity, so long as present conditions prevail, upon our people to send their cotton, with the exception perhaps of a few hundred bales, to other States and countries, to be sold and converted into finished products. These fabrics we buy for our own consumption at largely increased prices over that received for the

raw material, thus paying transportation both ways and the cost of converting the cotton into manufactured goods, with a per cent added for profit, besides losing to our wage earners diversified and remunerative employment, and to our farmers the sale of much of their field and garden produce. A similar necessity exists as to our hides and wool, not including other kinds of raw material which are to be had in plentiful abundance.

Our store and warehouses are full to overflowing with merchandise of all kinds, the inventories of which, although long and costly, contain but few items of home manufacture. Almost everything we use and wear in city, town and country comes from distant markets. Much of our bacon, pork, corn, hay and other farm, garden and orchard products is also brought from elsewhere; and notwithstanding our wealth of timber—of many valuable kinds—we go to other workshops to procure our carriages, wagons, buggies and farming implements, and to other factories for the furniture that is used in our public buildings, churches, school houses and homes. Herein is to be found one of the prime reasons why the first of January of each recurring year finds so many of our people unable to meet their engagements, and with but small hope for the future. This condition is ruinous to our State, and unless there be a wide departure, we may expect the situation to grow worse, until poverty shall become the most distinguishing characteristic of our people.

The statement is not an exaggeration. It is unfortunately too true, and calls for an immediate remedy. Relief can be had if we will only do as other States of the Union—notably southern—are doing. That is, if we will at once direct our efforts to the promotion of such mechanical and manufacturing industries as may be appropriate to our natural resources.

We often, however, hear it said there is not sufficient home capital for the purpose, and that we must secure help from the outside before it can be accomplished. This is a fatal mistake. We must first show that we have confidence in such enterprises and in ourselves before others will risk their means in them. In Georgia, the Carolinas, Tennessee, Virginia and Alabama industrial and manufacturing enterprises were inaugurated by their own peoples, and not until their success was demonstrated were the capitalists of other States induced to invest.

In a communication to the Tradesmen's Annual, Governor Atkinson, of

Georgia, illustrated the enterprising and self-reliant spirit of the people of that State by a reference which will bear quoting today. He said: "The town in which I live—Newnan, a place of about 3000 population—is a striking illustration, but not an exceptional instance. The people there, without the aid of foreign capital, have established various industrial enterprises, where twenty years ago not one existed. They manufacture wagons, buggies, acids, cotton goods, and have foundries, machine shops, etc. Not one of these enterprises have failed to pay dividends regularly, and the value of their products is nearly one million of dollars annually. Men who fifteen or twenty years ago would have hooted at the idea of their boys becoming mechanics or engineers, now send them to the shops to learn by actual experience the industrial side of life. Thus, in nearly every town in the State, old ideas give place to the new, and men have ceased to believe that their sons must engage in agriculture or enter the professions. Sons of wealthy men are preparing themselves for the management of industrial enterprises, and the vast field of opportunity is becoming more and more alluring."

These are words of encouragement and promise to the people of Texas, and their entire accuracy is more than verified by the present condition of Georgia—over whose soil immense armies, within the memory of ourselves, marched and camped and fought, carrying desolation in their pathways, and reducing almost to a wilderness a land that once was full of plenty and bright with happiness. From the ashes of her desolation—through the courage, energy, thrift, economy and enterprise of her sons and daughters—an industrial life has sprung, bringing prosperity to the present and hope for the future.

Virginia, Tennessee, the Carolinas and Alabama tell the same story.

We are of the same stock and lineage, with the best and most enterprising of other States and countries as a valuable supplement to our citizenship, and why should we hesitate to do that in which they have so well succeeded? Our situation is far more propitious for the undertaking, and we need not fear the result. The victory is won even before the battle shall be fought, and we may safely anticipate its full and substantial fruits before a single dollar has been expended. While depending upon ourselves in this emergency, yet we extend to outside capital the most cordial invitation to assist us, and we give to it the assurance of fair and just treatment

at our hands. We promise, that no discrimination shall be made against it, and that the same protection will be accorded it as is given to that of our own citizens. Both will stand upon an equal footing, and special privileges will be granted to neither. Upon these terms we welcome all who desire to invest their means within our State, and express the hope to them that their investments may be profitable, and that their business connection may be pleasant. We invite them most cordially to homes with us; to assist in building up a mighty Commonwealth; to share our prosperity; to become of us: to be citizens of Texas, giving them the pledge that in all respects they will be treated as ourselves. We have room enough for all; there is opportunity for all who are industrious, temperate and frugal.

But we are fortunate in that at no other period of our history has there been so auspicious a conjunction of necessity and opportunity as now. Recent events are preparing the way for the successful inauguration of an era of industrial life, and of enlarged commercial intercourse with other nations.

Heretofore our trade relations with the East have not been satisfactory. They have been not at all commensurate with the amount, character and value of our productions. We have permitted other countries, greatly inferior to us, to outstrip us in the matter of commerce. We now have the opportunity to forge rapidly to the front. The opportunity may not come to us again within a century—perhaps never.

The construction of the canal, bringing the two oceans together, is a certainty, thereby shortening the distance between ourselves and the Orient by several thousand miles.

With our cotton fields, sheep folds and cattle ranches almost within hearing of the hum of the spindle and the whirl of machinery, and with the shortest water line to China and Japan at our command, what will stand in our way to great and permanent prosperity? Of all the States Texas will be the most benefited by these new conditions; provided her people will at once seize the occasion and avail themselves of the best opportunity by far that has ever occurred to them for achieving industrial, agricultural and commercial greatness. Every ship that leaves our shores should be laden to the guards with the products of our industry, skill and enterprise.

This, and this only is the way that will lead to permanent prosperity. If we hesitate, the fault will be with us. Hewers of wood and drawers of water we have

been, and will continue to be as long as we depend altogether upon agriculture. Our ambition should be to acquire industrial independence. No less a purpose is worthy the race from which we have sprung, nor the inheritance we have received from our fathers.

Whatever the policy that may finally prevail as to territorial extension it may be considered as certain that there will be none of self-abnegation or self-imposed restriction as to commerce. Expansion of trade is not only a vital necessity but a determined fact. Our power to produce is greater than our ability to consume. The disparity will increase with the coming years, and it may be depended upon that the people of America will not surrender the commercial advantages which the victory at Manila has given to them. Other nations must accord to us a liberal share of the eastern trade. The rhetoric of the hustings, however brilliant and captivating, must yield to the logic of the situation, supported by that of an imperious necessity.

True statesmanship and a proper regard for own welfare demands that we should not sacrifice our material interests upon the altar of a political philosophy that may be very suitable for the library or the lecture room, but is not responsive to the needs of our people. The policy of today may not answer the requirements of tomorrow, and no name, however venerated for wisdom and patriotism, can be summoned from the dim past to deter us from pursuing that course which the exigencies of the present, with all its environments, point out to us as the pathway of safety, happiness and prosperity.

Texas has an easy capacity for ten millions of bales of cotton. Her possibilities in other directions are equally as certain and as great; but the best thought and greatest energy of the people must be aroused and kept in constant and vigorous action in order to reach the climax of achievement. To attain this high station will not be so difficult as would at first appear. The circumstances of the hour are propitious. The way is plain and the means at our command more than sufficient. All that will be required is united, active and earnest effort, supplemented by a lofty and patriotic ambition. We should not be satisfied with a less exalted position than that which puts us in the lead of the commonwealths of America. To upbuild the State, to promote her moral, intellectual and material advancement and to make her influence and power correspond to her domain, population and wealth of

resource, should be the supreme ambition of every son and daughter.

The past is secure, the present is certain, and the future full of hope and encouragement.

I know not how to more strongly accentuate our duty than to quote from a public address by the Ex-President of the Confederacy. Speaking for the last time to those whom he loved so well, and whom he had served so faithfully, that soldier and statesman said: "Men in whose hands the destinies of our Southland lie, for love of her I break my silence to speak now a few words of respectful admonition. The past is dead. Let it bury its dead with its hopes and aspirations. Before you lies the future—a future of expanding national glory, before which the whole world shall stand amazed. Let me beseech you to lay aside all rancor, all bitter sectional feeling, and to take your place in the ranks of those who will bring a consummation devoutly to be wished—a reunited country."

Upon the verge of the grave itself, and amid the closing scenes of an eventful and honorable career, forgetting his own misfortunes and disappointments, and imbued with a lofty patriotism for the whole country and with a sincere affection for the entire people, he stood like the prophets of old—upon the mount of observation, and looking forward, as with inspired view, into the future, he foretells a "reunited country and an expanding glory, before which the whole world shall stand amazed."

Men of Texas—women of Texas—of whatever race, nationality or faith, I call upon you to lay aside all rancor, all bitterness, all differences, and to unite harmoniously in an earnest effort for the development of our State and for the promotion of her best interests, not forgetting that she is one of many great commonwealths, united in bonds that will never be broken, each moving in its own constitutional sphere and exercising every constitutional power, yet under the same flag and with a common destiny.

At the close of Governor Sayer's address, Speaker Sherrill introduced Lieutenant-Governor George T. Jester, who James N. Browning.

introduced Lieutenant-Governor-elect Associate Justice of the Supreme Court T. J. Brown, was directed by Lieutenant-Governor Jester, President of the Senate, to administer the oath of office to Lieutenant-Governor-elect James N. Browning, who came forward and the same ceremonies were had as in the case of the Governor.

Ex-Lieutenant-Governor Jester then in-

roduced Lieutenant-Governor James N. Browning, who said:

"Senators, Representatives, Ladies and Gentlemen:

"I am profoundly grateful to the people of Texas for the distinguished honor conferred in electing me to this high position of trust and confidence. I am also deeply impressed with the importance of the duties and responsibilities of the office, and shall do my best at all times to discharge and perform faithfully and impartially each and every one of those obligations according to the best of my skill and understanding, and in accordance with the Constitution and laws of the country."

Speaker Sherrill then announced that the business of the Joint Session was concluded, whereupon on motion of Senator McGee, the Senate retired to its chamber.

AFTER JOINT SESSION—IN SENATE.

(Ex-Lieutenant-Governor Jester in the chair.)

The Chair made a few happy remarks, bidding adieu to the Senate as its presiding officer, and assuring the Senators of his appreciation of their uniform courtesy to himself and his continued high regard for them, closing by introducing his successor, Hon. J. N. Browning, Lieutenant-Governor, who in a few happy remarks accepted the gavel, at the close of which,

Senator Stafford addressed the Chair as follows:

"At the request of your friends in Cooke county, I have the honor to present to you an article of your own handiwork, made in the year 1867. It is always pleasant to mature manhood to recall the incidents of childhood. Doubtless you can now look back o'er the lapse of thirty-two years and review all the incidents connected with your home on the Nelson farm in Cooke county, your hardships and your joys, your hopes and your fears. As this clapboard is a token of the esteem in which you are held by an individual citizen of this State for whom you worked, may your official acts be ever held in grateful remembrance by the entire citizenship of Texas whom you now serve."

Lieutenant-Governor Browning responded as follows:

"FELLOW SENATORS: I am at a loss for words to properly express myself on this occasion. This token of respect and esteem, crude as it is, comes from one of my dearest friends, 'Uncle Bob' Nelson of Cooke county for whom I worked thirty-two years ago, when I was a boy.

I remember well, the time when I made some boards on his farm in 1867, and he certifies that this clap-board is one of the number which I made for him at that time. As I hold so firm and warm a place in his affections I trust that I may hold a like place in the hearts and affections of the people of this State. He gives evidence of my faithfulness while laboring for him on his farm, and I hope that I may be inspired therefrom to so discharge my official duties as to receive from the people their testimony of my fidelity and earnestness while laboring in their behalf."

Senator Gough moved that the Senate go into Executive Session tomorrow morning after call.

So ordered.

On motion of Senator James, the Senate adjourned to 10 a. m. tomorrow.

SEVENTH DAY.

Senate Chamber,

Austin, Tex., Wednesday, Jan. 18, 1899.

Senate met pursuant to adjournment.

Lieutenant-Governor Browning in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.	Morriss.
Burns.	Neal.
Davidson.	Odell.
Dibrell.	Potter.
Goss.	Ross.
Gough.	Sebastian.
Greer.	Stafford.
Grinnan.	Stone.
James.	Terrell.
Johnson.	Turney.
Kerr.	Wayland.
Lloyd.	Yantis.
McGee.	Yett.
Miller.	

Absent.

Lewis.

Absent—Excused.

Hanger.

Patterson.

Linn.

Prayer by the Chaplain, Rev. Dr. Denison.

Pending the reading of the Journal of yesterday,

On motion of Senator Ross, the same was dispensed with.

BILLS AND RESOLUTIONS.

By Senator Grinnan:

Senate bill No. 42, A bill to be entitled